

House Bill 84

By: Representative Powell of the 29<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment for serious violent offenders, so as to provide that the Department of Corrections, in its discretion, may place a defendant convicted of a serious violent felony in a rehabilitation facility, transition center, halfway house, or similar facility to prepare the defendant for release upon completion of his or her sentence or parole; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment for serious violent offenders, is amended by revising subsection (c) as follows:

"(c)(1) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a first conviction of a serious violent felony in which the defendant has been sentenced to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of 30 years in prison; provided, however, that the Department of Corrections, in its discretion, may place the defendant in a rehabilitation facility, transition center, halfway house, or similar facility to prepare the defendant for release due to parole or early release. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(2) For a first conviction of a serious violent felony in which the defendant has been sentenced to death but the sentence of death has been commuted to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of 30 years in prison; provided, however, that the Department of Corrections, in its discretion, may place the defendant in a rehabilitation facility, transition center, halfway house, or

27 similar facility to prepare the defendant for release due to parole or early release. The  
28 minimum term of imprisonment shall not be reduced by any earned time, early release, work  
29 release, leave, or other sentence-reducing measures under programs administered by the  
30 Department of Corrections.

31 (3) Any sentence imposed for the first conviction of any serious violent felony other than  
32 a sentence of life imprisonment or life without parole or death shall be served in its  
33 entirety as imposed by the sentencing court and shall not be reduced by any form of  
34 parole or early release administered by the State Board of Pardons and Paroles or by any  
35 earned time, early release, work release, leave, or other sentence-reducing measures  
36 under programs administered by the Department of Corrections, the effect of which  
37 would be to reduce the period of incarceration ordered by the sentencing court; provided,  
38 however, that the Department of Corrections, in its discretion, may place the defendant  
39 in a rehabilitation facility, transition center, halfway house, or similar facility to prepare  
40 the defendant for release upon completion of his or her sentence."

## 41 SECTION 2.

42 All laws and parts of laws in conflict with this Act are repealed.